



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

January 20, 2022

**\$250,000 EMERGENCY ACTION MEMORANDUM**

**DATE:** January 20, 2022

**SUBJECT:** Action Memorandum for an Emergency Response Removal Action at the Lakes Parkway Lithium Batteries Fire Site pursuant to the Federal On-Scene Coordinator's delegated authority under CERCLA Section 104

**FROM:** Jason Booth, Federal On-Scene Coordinator  
Emergency Response, Removal and Prevention Branch

**THRU:** James W. Webster, Ph.D., Chief **MATTHEW TAYLOR**  
Emergency Response, Removal and Prevention Branch

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MATTHEW TAYLOR  
Date: 2022.01.20  
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**TO:** Site File

**I. PURPOSE**

The purpose of this memorandum is to document the decision to initiate emergency response actions described herein for the Lakes Parkway Lithium Batteries Fire Site (the Site) located in the area of 1665 Lakes Parkway, Lawrenceville, Gwinnett County, Georgia pursuant to the Federal On-Scene Coordinator's (FOSC) delegated authority under CERCLA Section 104.

**II. SITE INFORMATION**

**A. Site Description**

**Site Name:** Lakes Parkway Lithium Batteries Fire Site

**Superfund Site ID (SSID):** C4L8

**NRC Case Number:** 1324174

**CERCLIS Number:**

**Site Location:** 1665 Lakes Parkway, Lawrenceville, Gwinnett County, Georgia

**Lat/Long:** 33.963, -84.056

**Potentially Responsible Party (PRP):** Han Metal USA

**NPL Status:** Non-NPL

**Removal Start Date:** December 10, 2021

**B. Site Background**

**1. Removal Site Evaluation**

On December 7, the Gwinnett County Fire Department responded to a fire inside a

battery collection and shipping company in an industrial park complex. The fire department isolated and removed several pallets of smoldering and burning lithium-ion batteries. The batteries were collected and placed outside near the building's loading dock to isolate in case of additional arcing. A cleanup contractor arrived on the scene but was turned away by the responsible party, who assured the fire department they could remediate themselves.

Two days later, the fire department responded again to the same facility. The pallets of batteries had been moved and placed directly next to each other so the business could utilize their loading dock. The fire department notified the National Response Center (NRC report #1324174) and the Georgia Environmental Protection Division (GAEPD). GAEPD then notified Region 4 Telephone Duty Officer for assistance.

The Federal On Scene Coordinator (FOSC) arrived on site on December 10 and met with the fire department, GAEPD personnel and the responsible party. A cleanup contractor arrived on site, but a contract between the responsible party and contractor could not be accomplished. At this time, FOSC presented the responsible party with a Notice of Federal Interest (NOFI) and Notice of Federal Assumption (NOFA) and federalized the cleanup activities based on the responsible party's reluctance to secure a cleanup contract. The responsible party signed an access agreement for EPA to begin work.

## **2. Physical Location and Site Characteristics**

The Site is located at 1665 Lakes Parkway, Lawrenceville, Gwinnett County, GA 30043. The Site is used to store and ship electronic waste overseas. There are three large concrete buildings located in the industrial park where the site is located. A retention pond for the industrial park is located on the east side of the complex. Residential neighborhoods are directly east and north of the site, and more industrial/commercial properties are located to the south and west.

Hundreds of large, burned lithium-ion batteries are on the asphalt behind the building near the loading dock. A stormwater drain is located approximately ten feet from the burned batteries. The outfall of the stormwater drain is located approximately 500 feet south of the building at the complex's retention pond. In addition, burned material and fire suppressant pellets were observed in the retention pond from firefighting activities.

## **III. THREATS TO PUBLIC HEALTH, WELFARE OR THE ENVIRONMENT**

### **A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants**

Smoke from burning lithium-ion batteries produces many toxic gases, including hydrogen fluoride, a hazardous substance defined by Section 101(14) of CERCLA. In addition, the compromised housing units of the batteries from the previous fires constitute a threat to public health and the environment as the batteries continue to arc and self-ignite.

### **B. Applicable factors which were considered in determining the appropriateness of a removal action (40 CFR 30.415)**

Section 300.415 of the National Contingency Plan (NCP) lists several factors to be evaluated in determining the appropriateness of a removal action. The following paragraphs apply to the Site:

***Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants. §300.415(b)(2)(i).***

A residential community is located less than 200 yards east of the Site. These conditions represent exposure to nearby human populations, animals and the food chain from hazardous substances and pollutants.

***Weather conditions that may cause hazardous substances or pollutants to migrate or to be released. §300.415(b)(2)(v).***

Rain may react with batteries causing ignition. Additionally, rain runoff from the batteries on the ground has been observed entering a nearby storm drain that empties into a retention pond causing hazardous substances and or pollutants to migrate off-site.

***Threat of fire or explosion. §300.415(b)(2)(vi).***

The lithium-ion batteries continue to self-ignite and flare up, releasing toxic smoke into the environment.

***The availability of other appropriate Federal or State response mechanisms to respond to the release. §300.415(b)(2)(vii).***

The Potentially Responsible Party (PRP) has been contentious and slow to hire a response contractor to address the threat of the burning batteries. As a result, GAEPD requested the EPA's assistance.

***Other situations or factors that may pose threats to the public health or welfare of the United States or the environment. §300.415(b)(2)(viii).***

The facility is located near residential structures, and the PRP has been contentious about hiring a cleanup contractor to address the burning batteries to prevent further environmental harm.

## **IV. SELECTED REMOVAL ACTIONS AND ESTIMATED COSTS**

### **A. Situation and Removal Activities to Date**

#### **1. Current Situation**

FOSC conducted an emergency removal site evaluation beginning on December 10. Once access was obtained, the FOSC completed the site inspection. Due to the imminent and substantial threat to human health and the environment caused by the burning batteries,

which continually released toxic smoke into the atmosphere, FOSC initiated an emergency response. Superfund Technical Assessment and Response Team (START) and Emergency and Rapid Response Services (ERRS) contractors were requested and mobilized to the Site.

## **2. Removal Activities to Date**

### **a. Federal Government/Private Party**

On December 10, ERRS crews covered batteries with sand and poly sheets to prevent further reactivity and suppress toxic smoke. Once materials arrived on site the next day, crews began placing individual batteries in plastic bags. The bagged batteries were next layered in steel drums between fire suppressant pellets. Battery-filled drums are being temporarily staged in a locked storage box on site.

On December 11, START collected sediment and water samples from the retention pond that collected runoff from the multiple firefighting operations.

### **b. State/Local**

Gwinnett County Fire Department was on scene December 10 until the sand was delivered to cover the batteries. Several flare-ups from the batteries were observed until the batteries were covered with sand. The fire department demobilized once the batteries were covered with sand on December 10.

## **3. Enforcement**

### **B. Planned Removal Actions**

1. ERRS Crews mobilized on December 10 to begin emergency removal activities. START mobilized to the site on December 11.
2. Anticipated immediate removal activities for the Site include, but are not limited to, the following:
  - a. Cover batteries with sand to prevent off-gassing of toxic smoke
  - b. Segregate batteries by kind, bag and secure in drums
  - c. Collect sediment and water samples from the retention pond
  - d. Secure the drums containing batteries in storage boxes pending off-site disposal arrangements
  - e. Dispose of batteries
  - f. Remediate, if necessary, the retention pond

- g. Conduct further studies to determine additional threats to human health and the environment
- j. Implement removal actions to abate the threat to human health and the environment based on the results of further studies

### 3. Contribution to Remedial Performance

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the site.

### 4. ARARs

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARARs is practicable, the OSC may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted.

## C. Estimated Costs<sup>1</sup>

Contractor costs (ERRS)	\$200,000
Contractor costs (START)	\$ 25,000
Contingency costs	\$ 25,000
<b>Total Removal Project Ceiling</b>	<b>\$250,000<sup>1</sup></b>

<sup>1</sup>EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.

## V. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

A delay in action or no action at this Site would have increased the actual or potential threats to the public health and or environment.

## VI. OUTSTANDING POLICY ISSUES

None.

## VII. APPROVALS

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and not inconsistent with the National Contingency Plan. This decision is based on the administrative record for the Site.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal action, and through this document, I am approving the proposed removal actions. The total project ceiling is

\$250,000, this amount will be funded from the Regional Removal Allowance.

Digitally signed by Jason  
Booth  
Date: 2022.02.02  
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Jason Booth

Jason Booth  
Federal On-Scene Coordinator

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Date